

ORDINANCE NO. 4

AN ORDINANCE ESTABLISHING THE LOWELL SEWER COMMITTEE; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATED THERETO.

WHEREAS, no sewer committee currently exists in the City of Lowell, Arkansas (the “City”) and;

WHEREAS, pursuant to Ark. Code Ann. § 14-235-206, the City is authorized to establish and maintain a city sewage collection system supervised by a committee to be designated for that purpose by the municipal council.

WHEREAS, the City Council is pursuing the construction of an alternate sewer system for the City of Lowell, and to proceed with this project, a sewer committee is needed to plan for this project and provide for the benefit of the citizens of the City.

NOW THEREFORE, BE IT ENACTED, by the City Council (the “Council”) of the City of Lowell, as follows:

Section 1. There hereby is established a Committee of the City of Lowell, Arkansas, to be known as the “Lowell Sewer Committee” which shall be comprised of three (3) members who shall serve with such compensation, if any, for attendance of meetings as may be authorized by subsequent ordinance adopted by the Council.

Section 2. The Committee shall have all of the powers and duties bestowed by Ark. Code Ann. § 14-235-207 (1999). As set forth therein, the Sewer Committee will have the power to take all steps and proceedings and to enter into all contracts and agreements necessary or incidental to the performance of its duties, except any contract relating to financing or any trust indenture shall be approved by the Council before it is effective. The committee may employ engineers, architects, inspectors, managers, and may fix their compensation. All compensations, expenses and liabilities shall be paid solely from funds provided to the Sewer Committee and the Committee may not bind the municipality beyond this amount. No contract or agreement shall be made with a contractor for materials or labor for over \$10,000 without advertising for bids. Bids must be publicly opened and award made to the best bidder, with power in the Committee to reject any or all bids.

After construction or acquisition of the works, the Committee shall:

- (a) Operate, manage and control them and may order and complete any extensions, betterment’s and improvements if funds are available or are made available.
- (b) Establish rules and regulations for the use and operation of works and other sewers and drains connected to them; and
- (c) Do all things necessary and expedient for the successful operation of the works.

Section 3. The members of the Committee shall be appointed by the Mayor of Lowell and shall become valid following confirmation of such appointments by the Council. The initial terms of the members of the Committee shall be for two (2) years. The Mayor has appointed the initial members of the Committee to be Terry Littrell, Marvin Walker, and Kendall Holloway all of whom are hereby confirmed by the Council.

Section 4. The Committee shall function under the control of the Council. The Council may remove any member of the Committee, with or without cause, and may appoint any substitute members in case of death, removal, or resignation.

Section 5. It has been found and is hereby declared by the Council that this Ordinance is immediately required in order to address the municipal sewer project for the development and preservation of the City and for the benefit of the citizens of Lowell.

EMERGENCY CLAUSE: For the reason that critical planning of the City's sewer system must be commenced immediately in order to meet the City's needs, it is hereby declared that an emergency exists and that this ordinance being necessary for the preservation of the health of the citizens and the development and preservation of the City of Lowell, Arkansas shall become effective immediately upon its passage, approval and publication.

PASSED and APPROVED this _____ day of _____ 2005.

APPROVED: _____
MAYOR

ATTEST: _____
CLERK/RECORDER/TREASURER